

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.1104 of 2008
KUSH KUMAR & ANR
Versus
THE STATE OF BIHAR

3 2.5.08

Heard learned counsel for the petitioners, the counsel for the State and the counsel for the informant.

The petitioners , who are named in the First Information Report, have approached this court for grant of bail in connection with Bihta P.S. Case no.146 of 2007 registered for the offence under Section 302/34 of the Indian Penal Code and 27 of the Arms Act.

As per allegation in the First Information Report, the petitioners were standing near the deceased when co-accused Lav Kumar is alleged to have fired. In course of evidence, it has come that these two petitioners had captivated the deceased facilitating Lav Kumar to fire at him. There is one pellet injury on the temporal region of the deceased

Learned counsel for the petitioners submits that the petitioners have been named because of enmity. Previously also they were made accused in a case instituted under Section 395 of the Indian Penal Code at the instance of the present informant, in which they have been released on bail as the police doubted the veracity of the said case. It has next been submitted that the petitioner no.1 Kush Kumar is in jail custody since 25.7.2007 whereas petitioner no.2 Anil is in jail custody since 8.8.2007.

Having considered the submissions and after going through the records including the impugned order, this court , for the

present, is not inclined to enlarge the petitioners on bail and accordingly their prayer for bail is rejected. However, if the trial of the case is not taken up within six months from the date of receipt of this order in the court below, the petitioners may renew their prayer for bail.

Neyaz/

(Kishore K. Mandal, J.)

